

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

ANTONIO ROJAS RODRIGUEZ, CRISTAL  
CARRENO, and ALAN VELASQUEZ, on  
behalf of themselves and others similarly  
situated,

Plaintiffs,

v.

JOHN L. FINAN, *et al.*,

Defendants.

Civil Action No. 2:15-cv-02317-BHH

**JOINT MOTION TO DISMISS  
DEFENDANTS MCCONNELL AND  
THORNLEY PURSUANT TO  
SETTLEMENT AGREEMENTS**

Plaintiffs Antonio Rojas Rodriguez and Alan Velasquez (“Plaintiffs”), and Defendants Glenn McConnell and Mary Thornley (“Defendants”), in their official capacities, having reached settlement agreements to resolve the issues in this matter, hereby move the Court to enter the attached proposed order to dismiss Defendants McConnell and Thornley from this case, with prejudice, pursuant to Rule 41(a)(2). The parties to this motion (the “Moving Parties”) condition this request on the Court agreeing to retain jurisdiction for five years from the date of entry of the proposed order to enforce certain terms of the settlement agreements, as set forth more fully therein. In support of this motion, the Moving Parties state as follows:

1. Plaintiffs allege that Defendants’ policies that classify Plaintiffs and all those similarly-situated as “non-residents” of South Carolina for purposes of tuition and/or academic scholarships and need-based grants violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

2. Defendants deny Plaintiffs’ allegations.

3. The Moving Parties have reached consensus on the terms of settlement agreements, copies of which are attached to this motion as Exhibits A and B, and incorporated herein by reference.

4. The Moving Parties agree that the attached settlement agreements will fully resolve their dispute.

5. The Moving Parties request that the Court dismiss Defendants McConnell and Thornley from this lawsuit with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, but condition this request on the Court's agreement to enter an order retaining jurisdiction for five years to enforce certain terms of the settlement agreements, as set forth more fully therein. *See Columbus-America Discovery Group v. Atlantic Mutual Insurance Co.*, 203 F.3d 291, 299 (4th Cir. 2000). A proposed order is attached hereto as Exhibit C.

6. By the signature of their counsel below, the remaining defendants to this action hereby advise the Court that they have reviewed this motion, the attached settlement agreements, and the attached proposed order and have no objection to the same.

7. The Moving Parties therefore request that the Court enter the attached proposed order in its entirety. If the Court is not inclined to enter the proposed order as drafted, the Moving Parties withdraw their request to dismiss the Defendants and respectfully request a hearing to address the Court's concerns.

**WE SO MOVE:**

Respectfully submitted,

/s/ Tammy Besherse  
*On behalf of Attorneys for Plaintiffs*

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**WE DO NOT OBJECT:**

/s/ Andrew Lindemann

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Hofferth, Seckinger, Munns, Horne, Kuhl, Phillips,  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this date electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to the following attorneys for the Defendants:

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/s/ Tammy Besherse

this 23rd day of October, 2015.